

# COMMITTEE STATEMENT

## LB 182

HEARING DATE: 1/25/99

COMMITTEE ON: Education

TITLE: (Beutler, Bohlke, Preister, Schimek, Suttle, Wickersham ) Adopt the Student Freedom of Expression Act

### ROLL CALL VOTE – FINAL COMMITTEE ACTION

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Advanced to General File

X Advanced to General File with Amendments

Indefinitely Postponed

#### Vote Results:

5	Yes	Senators Suttle, Raikes, Bohlke, Price, Brashear
1	No	Senator Stuhr
0	Present, not voting	
2	Absent	Senators Wickersham, Coordsen

#### PROPONENTS

Senator Chris Beutler  
John Bender  
Kathy Stockham  
Heather Glenboski  
Duane Obermier  
Matt Beerman  
Logan Seacrest  
Doris Martin  
Mandi Irions  
Rachel Ricker  
Andrea Cantarero  
Allison Conway  
Evan Littrell  
Robert Haller  
Alan Petersen

#### REPRESENTING

Introducer  
Nebraska High School Press Association  
Nebraska High School Press Association  
Student  
Nebraska State Education Association  
Student  
Student  
Teacher  
Student Democrats Club  
Student Democrats Club  
Student  
Westside Community Schools Student  
Student  
Academic Freedom Coalition of Nebraska  
Media of Nebraska

#### OPPONENTS

Brian Hale  
Written:  
Gene Kelly

#### REPRESENTING

Nebraska Association of School Boards  
Papillion/La Vista Schools Board Member

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NEUTRAL

Virgil Horne

REPRESENTING

Lincoln Public Schools

### SUMMARY OF PURPOSE AND/OR CHANGES:

Legislative Bill 182 creates the Student Freedom of Expression Act. Legislative findings state that students in public high schools are entitled to exercise their rights to express themselves in newspapers, yearbooks, and other school publications.

The act encourages students to exercise their freedoms of speech and press, and allows sponsoring teachers to prohibit publishing materials which are obscene, harmful to minors as defined in § 28-807, libelous, or likely to incite violence, law-breaking, or substantial and material disruption of the school.

Publication shall not be prohibited because the item involves opinions or facts regarding controversial subjects. Sponsoring teachers shall not be punished for supporting expression protected pursuant to this act. Sponsoring teachers may require content to be expressed in a manner consistent with high standards of English, accuracy, and reportorial thoroughness without violating this act.

School boards may adopt rules consistent with the act. A publication code may include provisions for the time, place, and manner of student publications and shall be readily available prior to enforcement.

Student editors shall assign and edit publications subject to the limitations of the act. Sponsoring teachers shall supervise to maintain professional standards of English and journalism and to comply with the act.

Expression by students within student publications does not reflect official school policy. School districts, school board members, school boards, and school employees shall not be legally responsible for any student publication without proof of actual malice, which shall not be inferred or presumed from the publication.

This measure is almost identical to LB 539 from 1997. The prior bill was advanced to General File by the Education Committee where it died at the end of last session.

### EXPLANATION OF AMENDMENTS, IF ANY:

The committee amendments rewrite the original bill creating the Student Freedom of Expression Act.

Legislative findings state that the public policy of the state is best served if students in public high schools have the opportunity to express themselves in newspapers, yearbooks, and other school publications, and that expression should not generally be inhibited unless the expression is obscene or harmful to minors, libelous, or demonstrably likely to incite violence, law-breaking, or substantial and material disruption of the

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normal functions of the school. Findings further state that publications codes adopted by school boards should be consistent with the maximum appropriate freedom of expression.

Definitions are provided for public high school, school official, sponsoring teacher, student, and student publication.

If a school board has adopted a publications code pursuant to this act, material in a student publication that is consistent with the code shall not be suppressed or prohibited on the ground that it involves any individual's opinion or involves factual material regarding controversial subject matter. If a code is not adopted, material in student publications shall not be suppressed or prohibited on the ground that it involves opinion or factual material regarding controversial subject matter unless it is:

1. Obscene or harmful to minors under § 28-807;
2. Libelous under Nebraska law; or
3. Demonstrably likely to incite violence, law-breaking, or substantial and material disruption of the normal functions of the school.

Sponsoring teachers may not be dismissed, demoted, reprimanded, or otherwise punished for supporting student expression that is consistent with an adopted code or supporting student expression allowed pursuant to this act where there is not an adopted code.

School boards may adopt written rules setting forth a publications code, including, but not limited to, provisions for the time, place, and manner of student publications. Adopted codes shall be readily available to students and their parents or guardians with all other codes, rules, or regulations governing student behavior.

Student editors shall assign and edit the news, editorial, and feature content of publications subject to the adopted code or this act if there is not an adopted code.

If a school board has adopted a code, any expression made by students in a publication will not constitute or reflect official school policy. No district, board, board member, or employee will be held responsible in any legal action for student publications without proof of actual malice.

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Senator Ardyce Bohlke, Chair  
Committee on Education